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Case 1:07-cv-11295-HB

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\*NOT ADMITTED TO THE NEW YORK BAR

By Hand

The Honorable Harold Baer, Jr.  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 2230  
New York, New York 10007

RECEIVED  
APR 22 2008  
U.S. DISTRICT JUDGE  
S.D.N.Y.

*Diario El Pais, S.L. and Prisacom, S.A. v. The Nielsen Company (US), Inc.*  
07 CV 11295 (IIB)

Dear Judge Baer:

In accordance with the Pretrial Scheduling Order in this action, defendant The Nielsen Company (US), Inc. ("Nielsen") is filing and serving today a motion under Fed. R. Civ. P. 12(b)(6) to dismiss plaintiffs' amended complaint with prejudice. Pursuant to Paragraph 4(A)(i) of Your Honor's Individual Practices, enclosed herein is one complete copy set of Nielsen's moving papers. Nielsen requests oral argument before Your Honor on this motion.

We note that while we are serving plaintiffs' counsel today with the same unredacted versions of these motion papers as are included with this letter, at the request of plaintiffs and pursuant to Paragraph 17 of the Stipulated Protective Order in this action, we are currently filing only redacted versions of the motion papers, with all discussions of the sealed Annex 1 to plaintiffs' amended complaint removed, in the Court's public ECF

system. Thus, in accordance with plaintiffs' request and Paragraph 17 of the Stipulated Protective Order, we hereby respectfully request permission from Your Honor to file the unredacted versions of Nielsen's motion papers under seal.

Respectfully submitted,

*Aidan Synnott*  
Aidan Synnott

Enclosures

cc: William O. Purcell, Esq. (via e-mail and hand)

*You are permitted to file the unredacted version of the Nielsen papers under seal + your adversary may do the same. I think that this seal keeps my help + my 3/10 endorsement.*

*Harold Baer, Jr., U.S.D.J.*  
Date: 4/22/08

**Sealed documents may be unsealed, upon notice to the parties, pursuant to further order of the Court.**

**SO ORDERED:**

*Harold Baer, Jr.*  
Hon. Harold Baer, Jr., U.S.D.J.

Date: 4/22/08

Endorsement:

You are permitted to file the unredacted version of the Nielsen moving papers under seal and your adversary may do the same. Keep in mind that this ruling may be reversed. See legend below and my 3/20 endorsement.